

## Communication & Engagement with CA Native American Tribes

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**Policy:** On Sept. 19, 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and Department subject to executive control to implement effective government-to-government consultation with California Indian tribes.

**RESPONSE:** The Natural Resources Agency developed a Tribal Consultation Policy for its Departments and Commissions (<http://goo.gl/7y5xg>). The relevant portions include: The Agency and Departments must identify the Native American tribes to consult at the earliest possible time and allow a reasonable opportunity for tribes to respond and participate. Each Department shall disseminate public documents, notices and information to California Indian tribes, tribal communities and tribal consortia, minimally by contacting tribal government officials. In the event the Department makes an attempt to initiate contact and does not receive a response, the Department should make reasonable and periodic efforts throughout the process to repeat the invitation. Each Department should conduct meetings, outreach and workshops at times and locations that facilitate tribal participation as much as possible. The Departments will be open to communication opportunities initiated by tribes and seek opportunities for collaboration by communicating regularly with tribes.

**Summary of Council Actions:** To comply with the Governor's Executive Order and Natural Resources Agency policy to actively include California Native American tribes in the conversation about the development of the Delta Plan, the Delta Stewardship Council developed an outreach strategy specifically tailored to the tribes. The completed and continuing efforts are described in this memorandum.

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### **Completed Outreach**

- 1. Scoping Meetings Notification** – In Jan. 2011, the DSC sent emails to addresses listed on a tribal database that included federal and non-federally recognized tribes. The emails notified the tribes of upcoming scoping meetings and requested their engagement either through the CEQA process or through tribal consultation. A physical letter was mailed out to their offices as well because some tribes do not maintain email addresses. Follow-up phone calls were conducted to ensure they received the email and/or the letter, and to answer any questions.

**RESPONSE:** The Hoopa Valley tribe sent a representative to two of the scoping meetings. The tribal chairman also sent a letter (<http://goo.gl/lcXOI>) dated Jan. 27, 2011 noting the Hoopa's water rights and protections on the Trinity River and

expressing concern that the Bay Delta Conservation Plan process in particular might not honor these. The United Auburn Indian Community of the Auburn Rancheria also sent a form letter (<http://goo.gl/P2pPi>) dated Feb. 14, 2011 asking to review project (construction) documents. When told that the DSC was developing a Programmatic Environmental Impact Report (EIR), and not a Project EIR, the tribe said it was not necessary to continue maintaining contact on the Delta Plan.

2. **Delta Plan Release Schedule** – In March 2011, the DSC wrote a letter notifying tribes of the release schedule regarding the development of the early drafts of the Delta Plan and accompanying documents. The letter was mailed using the addresses from the same database as stated in No. 1. It was sent in an effort to solicit tribal comment.

RESPONSE: The Yurok tribe sent a letter (<http://goo.gl/JqvgX>) dated Sept. 30, 2011 offering comments on the fifth staff draft of the Delta Plan, specifically requesting that the Plan include specific protections for Trinity River flows.

3. **May 5, 2011 tribal Advisory Committee** – In partnership with the Department of Water Resources (DWR) and the Water Plan tribal Advisory Committee, the DSC participated in a tribal Advisory Committee meeting. This committee was formed as a way to keep interested tribal representatives aware of the quinquennial development of the California Water Plan and other plans and programs that are not project-specific and/or do not necessarily impact tribes directly. DSC Public Information Officer Eric Alvarez delivered a presentation that provided an overview of the DSC and the development of the Delta Plan. He also asked those in attendance to please contact him should there be a question or concern regarding the DSC and the development of the Delta Plan.

RESPONSE: None received.

4. **August 5, 2011 tribal Advisory Committee** – In an effort to continue the momentum from the previous Tribal Advisory Committee meeting, the DSC participated in another discussion with tribes during a roundtable lunch session once again sponsored by the DWR Water Plan representatives. DSC Public Information Officer Eric Alvarez was once again in attendance. He made himself available to answer questions tribal representatives had regarding the DSC and/or the development of the Delta Plan.

RESPONSE: None received.

- 5. Environmental Impact Report AND Field Hearings Notification** – In Jan. 2012, the DSC sent emails to addresses listed on a tribal database that included federal and non-federally recognized tribes. The emails notified the tribes of the upcoming EIR Field Hearings and requested their engagement. A physical letter was mailed out to their offices as well because some tribes do not maintain email addresses. Ogilvy Public Relations also conducted follow-up phone calls to tribes to ensure they received the email and/or the letter.

RESPONSE: The Hoopa Valley tribe sent a representative to the EIR Field Hearings. The tribe also sent a letter (<http://goo.gl/G3lYa>) dated Jan. 31, 2012 reiterating its Trinity River water rights and noting in the section describing current conditions what the Hoopa considered erroneous assumptions about the amount of water available to export from the watershed. The Yocha Dehe Wintun Nation also sent a letter (<http://goo.gl/KmazG>) dated Feb. 21, 2012 requesting language that supports and encourages entering into easements with Federally Recognized tribes and noting several instances where formal consultation should occur on projects that could be undertaken as a result of the Plan and/or laws referenced by the Plan.

- 6. Letter Announcing Final Staff Draft Delta Plan** – On May 12, 2012 the DSC sent emails to addresses listed on a tribal database that included federal and non-federally recognized tribes. The emails notified the tribes of the release of the Final Staff Draft of the Delta Plan and requested their engagement. A physical letter was mailed out to their offices as well because some tribes do not maintain email addresses.

RESPONSE: None received.

- 7. November 8, 2012 tribal Advisory Committee** – In an effort to continue the momentum from the previous Tribal Advisory Committee meeting, the DSC participated in another discussion with tribes once again sponsored by the DWR Water Plan representatives. DSC Public Information Officer Eric Alvarez was once again in attendance, but because his presentation time was limited, he invited tribal members to contact him if they had questions or comments about the DSC and/or the development of the Delta Plan.

RESPONSE: The DWR Water Plan representatives are asking for DSC Chair Phil Isenberg to meet with the Tribal Advisory Committee in Jan. 2013 to discuss the development of the Delta Plan. The meeting will be held on Jan., 24, 2013.

- 8. Letter Announcing Final Draft Delta Plan, Recirculated DPEIR, and Rulemaking Process** – The DSC sent out letters and emails to addresses listed on a tribal database that includes federal and non-federally recognized tribes. This notification was in addition to notices that were sent formally Nov. 26, 2012 notifying the tribes of the Nov. 30, 2012 release of the Final Draft of the Delta Plan, the Recirculated DPEIR, and the Rulemaking Package sent to the Office of Administrative Law.

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